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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,742	02/25/2004	Christopher E. Bales	ORACL-01371US1	3001
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FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER HEFFINGTON, JOHN M	
			ART UNIT 2179	PAPER NUMBER
			NOTIFICATION DATE 02/18/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OFFICEACTIONS@FDML.COM

### Office Action Summary

**Application No.**

10/786,742

**Applicant(s)**

BALES ET AL.

**Examiner**

JOHN HEFFINGTON

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 9, 12-17, 34-39, 41, 42, 45-56, 58, 59, 62-67 and 69-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 12-17, 34-39, 41, 42, 45-56, 58, 59, 62-67 and 69-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/11/09, 6/17/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the request for continued examination dated 18 August 2009. Claims 1, 34 and 51 have been amended. Claims 7, 10, 11, 18-33, 40, 43, 44, 57, 60, 61 and 68 have been canceled. Claim 72 has been added. Claims 1-6, 8, 9, 12-17, 34-39, 41-42, 45-56, 58-59, 62-67 and 69-72 are pending and have been considered below.

To expedite prosecution, the applicant should consider MPEP paragraph 714.12:

"Many of the difficulties encountered in the prosecution of patent applications after final rejection may be alleviated if each applicant includes, at the time of filing or no later than the first reply, claims varying from the broadest to which he or she believes he or she is entitled to the most detailed that he or she is willing to accept."

### **Prior Art As a Whole**

The consideration of the prior art as applied to a rejection of the claims of an applicant's invention is not limited to the cited passages of the rejection. As per the following references from the MPEP, the prior art must be considered as a whole.

2123 [R-5] Rejection Over Prior Art's Broad Disclosure Instead of Preferred Embodiments

#### **I. PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN**

"The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

#### **2141.02 [R-5] Differences Between Prior Art and Claimed Invention**

Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole.

2143.01 [R-6] Suggestion or Motivation To Modify the References

I. \* PRIOR ART \*\*>SUGGESTION OF< THE DESIRABILITY OF THE CLAIMED INVENTION

"In affirming the Board's obviousness rejection, the court held that the prior art as a whole suggested the desirability of the combination.... ."

***Response to Arguments***

Applicant's arguments filed 12 August 2009 have been fully considered but they are not persuasive.

Hutsch clearly discloses:

- a. each entitlement of the hierarchy of entitlements uses a plurality of roles and security policies to control access to the plurality of portal resources and wherein, each portal resource of the plurality of portal resources can be associated with a different entitlement for different entitlement capabilities (paragraph 0024)
- b. the portal provides access to the content in the VCR via a user interface that is associated with the plurality of portal resources (paragraph 0156).

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 8, 9, 13-17, 34-37, 39, 42, 46-54, 56, 59, 63-67 and 70-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutsch et al. (US 2001/0034771 A1).

Claim 1: Hutsch discloses an interactive tool that can configure a portal, comprising:

- c. a first user interface operable to at least one of define and manage the portal (paragraph 0156);
- d. a second user interface operable to at least define and manage a hierarchy of entitlements for at least one portal resource (paragraphs 0156, 0324); wherein,
- e. each entitlement of the hierarchy of entitlements uses a plurality of roles and security policies to control access to the plurality of portal resources and wherein, each portal resource of the plurality of portal resources can be associated with a different entitlement for different entitlement capabilities (paragraph 0024),
- f. a content management user interface operable to define at least one of define and manage content in a virtual content repository (VCR), wherein the VCR is a hierarchical representation of a plurality of individual content repositories such that the plurality of individual content repositories appear and behave as a single content repository (paragraphs 0024, 0025, 0109, 0110), wherein,
- g. the portal provides access to the content in the VCR via a user interface that is associated with the plurality of portal resources (paragraph 0156), and wherein

- h. the portal operates to include a desktop and associated desktop resource that includes at least one of the following portal resources: a book, a page, a portlet, a shell, a look and feel, and a layout (paragraph 0095), and wherein;
- i. the interactive tool runs on at least one processor (paragraph 0324).

Claim 18: canceled

Claim 2: Hutsch discloses the interactive tool of claim 1, and Hutsch further discloses at least one user interface operable to define and/or manage one of: a desktop, a book, a page, a portlet, a shell, a theme, a menu, a look and feel, and a layout (paragraphs 0031, 0095, 0100).

Claim 3: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses a desktop can be defined based on a template (paragraphs 0031, 0095, 0100).

Claim 4: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses a desktop is a user-specific view of a portal (paragraphs 0094, 0095 and 0100).

Claim 6: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses the portal can be depicted graphically as a hierarchy of the at least one portal resources (paragraphs 0093, 0109, 0110, 0156).

7. (Cancel)

Claim 8: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses the first user interface includes a hierarchy browser (paragraphs 0093, 0109, 0110, 0156, figure 2D).

Claim 9: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses an entitlement determines what capabilities are available to a portal visitor for the at least one resources (paragraph 0324).

10. (Cancel)

11. (Cancel)

Claim 13: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses a portlet can dynamically present content (paragraph 0093).

Claim 14: Hutsch discloses the interactive tool of claim 1, and Hutsch further discloses a fourth user interface operable to define and/or manage personalization of the portal (paragraphs 0093, 0230).

Claim 15: Hutsch discloses the interactive tool of claim 14 and Hutsch further discloses the fourth user interface is operable to define and/or manage a content placeholder (paragraphs 0031, 0093, 0230, 0248).

Claim 16: Hutsch discloses the interactive tool of claim 14 Hutsch discloses the fourth user interface is operable to define and/or manage a content selector (paragraphs 0094, 0100).

Claim 17: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses a fifth user interface operable to define and/or manage delegated administration (paragraphs 0156, 0310, 0316).

Claims 19-21, 23, 25, 28, 29 and 33: canceled.

Claims 34-37, 39, 41, 42, 46-50: Claims 34-37, 39, 41, 42, 46-50 reflect the steps of a method to be performed by the interactive tool of claims 1-4, 6, 8, 9 and 13-17, respectively, and are rejected along that same rationale.

Claims 51-54, 56, 58, 59, 60 and 63-67: Claims 51-56, 58, 59, 60 and 63-67 reflect a machine readable medium having instructions stored thereon that when executed by a processor cause a system to execute the interactive tool of claims 1-4, 6, 8, 9 and 13-17, respectively, and are rejected along that same rationale.



Claim 69: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses each content repository in the VCR is a searchable data store and provides content life cycle management (paragraph 0327, 0510).

Claim 70: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses the content management user interface is associated with a content model that represents a combined content of all repositories as a hierarchical namespace of nodes and each content repository implements content management operations on the content model differently for the particular content repository (paragraphs 0024, 0025, 0109, 0110, 0135).

Claim 71: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses the content management user interface is associated with one or more content caches that are used to buffer search results and recently accessed content repositories (paragraph 0327).

Claim 72: Hutsch discloses the interactive tool of claim 1, and Hutsch further discloses the portal entitles a role with different entitlement properties for different portal resource (paragraph 0024).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5, 38 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutsch et al. (US 2001/0034771 A1) in view of Anuff et al. (US 2003/0056026 A1).

Claim 5: Hutsch discloses the interactive tool of claim 1, but does not disclose a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop. However, Anuff discloses a user interface used to provide a preview of a portal or website (paragraph 0107). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the

invention to add a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop to Hutsch. One could have been motivated to add a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop to Hutsch in order to "control accessibility to the site," as disclosed in Anuff (paragraph 0107).

Claim 22: canceled.

Claim 38: Claim 38 reflects the steps of a method to be performed by the interactive tool of claim 5, respectively, and is rejected along that same rationale.

Claim 55: Claim 55 reflects a machine readable medium having instructions stored thereon that when executed by a processor cause a system to execute the interactive tool of claim 5, and is rejected along that same rationale.

6. Claims 12, 45 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutsch et al. (US 2001/0034771 A1) in view of (Hoffman et al. US 2003/0069766 A1).

Claim 12: Hutsch discloses the interactive tool of claim 1 but does not disclose the content management user interface allows a user to modify the VCR by dragging and

dropping graphical objects representing VCR nodes. However, Hoffman discloses a hierarchy management feature wherein a node in a hierarchy can be dragged and dropped to another node in the hierarchy (paragraphs 1032, 1038). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the content management user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes to Hutsch. One could have been motivated to add the content management user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes to Hutsch because this feature, in addition to other features, is required to manage authorization and access with hierarchies (paragraph 1025).

Claim 28: canceled.

Claim 45: Claim 45 reflects the steps of a method to be performed by the interactive tool of claim 12, respectively, and is rejected along that same rationale.

Claim 62: Claim 62 reflects a machine readable medium having instructions stored thereon that when executed by a processor cause a system to execute the interactive tool of claim 12, and is rejected along that same rationale.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. HEFFINGTON whose telephone number is (571)270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARA HANNE/  
Primary Examiner, Art Unit 2179

JMH  
12/21/09